

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

DAVID GILBERT SAFFRON, ET AL.,

Defendants.

Case No. 2:19-cv-01697-JAD-DJA

ORDER

This matter is before the Court on Defense Counsel Shumway Van's Renewed Motion to Withdraw (ECF No. 84), filed on November 9, 2019. Pursuant to Local Rule ("LR") IA 11-6, "[n]o attorney may withdraw after appearing in a case except by leave of Court after notice has been served on the affected client and opposing counsel." See LR IA 11-6(b). Having reviewed the motion, the Court finds that requirements of LR IA 11-6(b) have been met. Mr. Van indicates that Defendants Circle Society Corp. and Gilbert Saffron have had communication and payment issues. The Court will require that Defendant Circle Society Corp. advise the Court if it will retain new counsel by December 13, 2020 as it must retain new counsel if it intends to continue to litigate this matter. See *United States v. High Country Broad.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (per curiam); *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (stating that "[c]orporations and other unincorporated associations must appear in court through an attorney."). Similarly, Defendant Gilbert Saffron must notify the Court if he will proceed pro se or retain new counsel by the same date. Filing a notice of new counsel on or before December 13, 2020 is sufficient to comply with the Court's order. Failure to respond may result in a recommendation to the United States District Judge assigned to this case that dispositive sanctions be issued against Defendants Circle Society Corp. and Saffron including dismissal of this action.

1 **IT IS HEREBY ORDERED** that Defense Counsel Shumway Van's Motion to Withdraw
2 (ECF No. 84) is **granted**.

3 **IT IS FURTHER ORDERED** that Defendants Circle Society Corp. and Gilbert Saffron
4 shall have until **December 13, 2020** to advise the Court if it will retain new counsel. Failure to
5 notify the Court as to their new representation may subject it to dispositive sanctions, including a
6 recommendation for dismissal of this action.

7 **IT IS FURTHER ORDERED** that the Defense Counsel Shumway Van shall serve a
8 copy of this order on Defendants Circle Society Corp. and Gilbert Saffron and file a notice of
9 completion of service along with a notice of their last known address by **November 20, 2020**.

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11 DATED: November 13, 2020

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15 DANIEL J. ALBREGTS
16 UNITED STATES MAGISTRATE JUDGE
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